

S.D.N.Y. – N.Y.C.
21-cr-317
Cote, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 17th day of October, two thousand twenty-four.

Present: Sarah A. L. Merriam,
Circuit Judge.

USDC SDNY
DOCUMENT
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DATE FILED: Oct 18, 2024

Elliot Smerling, AKA Sealed Defendant 1,

Plaintiff-Appellant,

v.

United States of America,

Defendant-Appellee.

ORDER

Docket No. 24-854

Appellant, pro se, moves for in forma pauperis (“IFP”) status in his appeal from the district court’s order denying his motion for a sentence reduction under 18 U.S.C. § 3582(c)(2). The district court must rule on Appellant’s IFP status before the Court of Appeals can address his motion. *See* Fed. R. App. P. 24(a)(1), (5).

IT IS HEREBY ORDERED that Appellant’s motion is held in abeyance in this Court. The Clerk of Court is directed to transfer the IFP motion to the district court for a determination of IFP status. Upon receipt of the district court’s determination, this Court will address Appellant’s motion.

A True Copy

Catherine O’Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

Catherine O'Hagan Wolfe


For the Court:

Catherine O’Hagan Wolfe,
Clerk of Court

Catherine O'Hagan Wolfe
